
Board of Health Minutes 04/16/2015

Town of Mashpee

*16 Great Neck Road North
Mashpee, Massachusetts 02649*

BOARD OF HEALTH – PUBLIC SESSION

Minutes of the Meeting of April 16, 2015

Board Members Present:

Lucy Burton, Chair
Burton Kaplan, Co-Chair
Kalliope Egloff, Clerk

Also Present:

Glen Harrington, Health Agent

Chair Lucy Burton called the meeting to order at 7:02 PM.

APPOINTMENTS**7:15 PM – Matt Costa, Cape & Islands Engineering – Title V Variances – 31 Amy Brown Road.**

Matt Costa of Cape and Islands Engineering, representing Joseph Binknaitis of 31 Amy Brown Road, introduced himself to the Board.

Mr. Costa stated that he is requesting several variances, in particular, well variances from the proposed septic system located at 31 Amy Brown Road. The septic system was originally designed before 1995 with an approved Title V system which consisted of leach pits. Because of the code change, it was difficult to meet the well setback requirements because of the existing well locations. This is a three-bedroom design, and Mr. Costa is requesting relief from the wells and street line. The waiver request lists seven variances on a table provided on the plan. Mr. Costa inadvertently omitted relief from the well located at 31 Amy Brown Road, which will also be added to the plan. In order to mitigate the request and relief and to protect the wells, Mr. Costa is proposing a membrane bio-reactor known as the Busse System. This system is unique and similar to a mini treatment plant within the dwelling. The Busse System has been approved by the Massachusetts Plumbing Board and by the Department of Environmental Protection for general use. It is the best available technology, and this system will insure protection of the wells.

Burton Kaplan made a motion that the Board of Health approve the seven requested variances plus the variance to the property's own well located at 31 Amy Brown Road, including the approval of the Busse System as mitigation and as presented to the Board of Health with the following conditions:

- An Operation and Maintenance Contract with sampling to be maintained for the life of the system.
- The Operation and Maintenance shall include testing and analysis for total nitrogen quarterly for two years.
- Field testing for pH, Dissolved Oxygen, turbidity, settleable solids and color shall be done two times a year and ponding annually, per the Department of Environmental Protection Approval letter.

Kalliope Egloff seconded the motion.

Lucy Burton remarked that she is struggling with setting a precedent by allowing a variance of 90 feet to the well. Ms. Burton stated that she is opposed to the variance. The motion was approved.

7:20 PM – Jim Griffiths and Nathalie Tournier – 2015 Seasonal Food Service – C'est Le Vie Patisserie.

Glen Harrington commented that Jim Griffiths and Nathalie Tournier are establishing a shop in the former Country Store location for the summer season at 259 Shore Drive (Popponesset Marketplace). The menu is French-based pastries, breads for sandwiches, and desserts. Preliminary inspections have been performed, but the unit is not yet ready for operation. There will be two refrigerator displays for fresh pastries, an oven is to be added, the kitchen will be cleaned, and a new floor is to be installed in the display area. The application, check and menu have been provided. The proponent is to bring evidence of the allergy awareness and certified food manager training to this meeting.

Mr. Griffiths provided the Board with proof of the allergy awareness training and will also provide the ServSafe Certification for Nancy Amaral who will be working at the shop. Ms. Tournier has enrolled for the ServSafe Certification course to be offered on May 5, 2015.

Mr. Griffiths and Ms. Tournier plan to open another shop in Mashpee Commons in the former Montilio's location in the near future. Ms. Tournier will bake the products at the shop in the Popponesset Marketplace and transport the baked goods to the Mashpee Commons location.

Burton Kaplan made a motion that the Board of Health approve the request for the 2015 Retail and Food Establishment Permit Application for C'est Le Vie Patisserie located at 259 Shore Drive with a final inspection by the Health Agent prior to operation and the ServSafe Certificate for Nancy Amireault to be provided to the Health Department. Kalliope Egloff seconded the motion. The motion was unanimously approved.

7:25 PM – Daniel Ojala, Down Cape Engineering – Commercial Site and Septic Plan – 71 Echo Road.

Craig Ferrari of Down Cape Engineering, representing Dech LLC owner of 71 Echo Road, introduced himself to the Board.

Mr. Ferrari remarked that a custom millwork corporation will be constructing a building at 71 Echo Road and possibly renting out the rear of the building as contractor bays.

Glen Harrington commented that he was not aware that this site was for contractor bays. If there are two units, a bathroom is required for each unit. Contractor bays are limited to the number of employees. The actual flow will be about 480 gallons per day, 110 gallons below the proposed flow, and this is not in a Zone II.

Mr. Ferrari remarked that an industrial tight tank is required because the plumbing code for having doors with vehicle access requires floor drains. The dumpster will be located at the back corner of the property.

Lucy Burton stated that she would like the Commercial Requirements for a Commercial Building be provided to Mr. Ferrari and to the client. Dan Ojala of Down Cape Engineering had been given the Commercial Requirements when he recently presented 161 Commercial Street.

Burton Kaplan made a motion that the Board of Health approve the Commercial Site and Septic Design Plan for 71 Echo Road with all of the eight Commercial Requirements for a Commercial Building subject to Shop B being provided with two bathrooms, as opposed as to the one bathroom that is shown on the sketch, if the unit is divided into two lease spaces. Kalliope Egloff seconded the motion. The motion was unanimously approved.

NEW BUSINESS

1. Sign Expense Warrants. The Board members signed the expense warrants.

2. Review/Approve BOH Public Session Minutes: March 19, 2015.

Kalliope Egloff made a motion that the Board of Health approve the Public Session minutes of March 19, 2015, as amended. Burton Kaplan seconded the motion. The motion was unanimously approved.

3. Nitrogen Aggregation Plan: 78 Alma Road.

Matt Costa of Cape and Islands Engineering requested an indefinite continuance for the discussion of 78 Alma Road.

4. Variance Request – Camp Regulations: Boys and Girls Club of Cape Cod.

Lucy Burton remarked that J. R. Mell from the Boys and Girls Club was in attendance, but since this variance is requested yearly, the Board allowed Mr. Mell to leave without appearing before the Board.

Glen Harrington commented that 120 campers are allowed to attend the Boys and Girls Club. The Board has approved this variance for 130 campers since 2009. They are now requesting a variance for 140 campers for the 4 hand washing sinks. However, a quarter of the campers go to the beach daily. There is a hand washing sink in the Staff restroom, and bottles of hand sanitizers are available.

Kalliope Egloff made a motion that the Board of Health approve the request for a variance from the Sanitary Code for the Boys and Girls Club with the condition of an inspection by the Health Agent during operation, and any complaints regarding the convenience of using the bathroom facilities shall require Board of Health review of the variance. Burton Kaplan seconded the motion. The motion was unanimously approved.

5. Emergency Condemnation: 71 Lakeside Estates.

Glen Harrington stated that 71 Lakeside Estates is a severe hoarding situation and needs to be addressed. This is a situation that must be considered a public nuisance. Mr. Harrington remarked that this unit is owner-occupied and is one of the newer units. Mr. Harrington feels the unit may not be demolished, as it can be cleaned and rehabilitated. However, Mr. Harrington is not comfortable with leaving the contents in the unit as there is an attraction for rats and animals with the potential for spread of disease.

Burton Kaplan made a motion that the Board of Health approve the condemnation for Trailer #7, 71 Lakeside Estates, 300 Nathan Ellis Highway as a public health nuisance according to MGL Chapter 111 Section 122.

The Board of Health and Mr. Harrington discussed a time frame and the best way to deliver the letter for the emergency condemnation to the owner. A 30-day notification will allow the family to clean the unit.

Lucy Burton amended the motion to require that the nuisance be removed no later than 30 days from receipt of the letter for the emergency condemnation based upon it being a public health nuisance. The letter will be sent certified mail, first class mail, and the dwelling will be posted. If after the 30 days there has been no action, the Board of Health gives the Health Agent the authority to send notification to raze and remove the unit with a 7-day time frame from receipt of that letter. Kalliope Egloff seconded the motion. The motion was unanimously approved.

6. NSTAR Right of Way Herbicide Spraying of Electrical Easement: Comments to Selectmen.

Glen Harrington requested a continuance for discussion of the NSTAR Right of Way Herbicide Spraying of the Electrical Easement to the next Board of Health meeting scheduled on May 7, 2015.

7. Renewal of Title V Design Plan Approval: 87 Surf Drive.

Glen Harrington commented that the original approval for the septic plan and nitrogen aggregation plan for 87 Surf Drive was on January 11, 2012. The nitrogen aggregation plan documents have been recorded at the Registry of Deeds, but the approval for the Title V design plan, which is valid for three years, expired January, 2015. As the Board of Health approved the original design plan, the Board will need to re-approve the plan. No changes have been requested.

Kalliope Egloff made a motion that the Board of Health approve the Septic Design Plan dated November 11, 2011, prepared by Christopher Costa and Associates for 87 Surf Drive. Burton Kaplan seconded the motion. The motion was unanimously approved.

8. Change of Ownership: La Plaza Del Sol Motel (72 Main Street).

Glen Harrington remarked that the applicant, Robert Bono, is requesting a 2015 Motel Permit as he is purchasing the property known as La Plaza Del Sol located at 72 Main Street. The septic system was inspected and passed. The pool is planned to be used, but Mr. Bono has not obtained the Certified Pool Operator's license for the pool. Payment for the pool application is required, if approved by the Board. The annual inspection has not been performed as yet. Mr. Bono stated that he plans on residing on-site at the motel.

Burton Kaplan made a motion that the Board of Health approve the transfer of ownership of La Plaza Del Sol for the 2015 Motel Permit with the condition of receipt of payment and inspection of the pool prior to opening. Kalliope Egloff seconded the motion. The motion was unanimously approved.

9. Callie's Beach: Tier 3 Variance.

Glen Harrington commented that there have been no changes for the variance requested for Callie's Beach since 2007. There has not been a bacterial water quality problem, and this allows the Board of Health to approve a variance to reduce the sampling regime.

Lucy Burton made a motion that the Board of Health approve the variance as requested for the sampling to be reduced to four times per season per year. Burton Kaplan seconded the motion. The motion was unanimously approved.

10. Electronic Monitoring Device for Water Quality of Swimming Pools: Sandpiper Village.

On February 25, 2015, Mr. Devin Witter requested information regarding the use of electronic monitoring devices on

swimming pools in order to reduce the required daily sampling of the pool. Mr. Harrington contacted Steve Hughes of the Department of Public Health Community Sanitation Department. Mr. Hughes informed Mr. Harrington that the devices fail to be calibrated so false readings are given. The Code is a minimum code so the four samplings a day must be done in conjunction with the monitoring device.

Lucy Burton made a motion that the Board of Health deny the request for Electronic Swimming Pool Monitoring Device at Sandpiper Village by First Property Management for the reason that the electronic monitoring device does not provide equal protection for safety of the public but allows a device which may break and give false readings. If only one sample is taken daily, then the safety and well-being of the public health is not maintained. There is an argument that there is no manifest injustice or hardship which is the other requirement to grant a variance. The request to use the electronic device is merely for convenience and not a hardship. If the condominium owners want the use of the pool, then they must meet the minimum requirements. Kalliope Egloff seconded the motion. The motion was unanimously approved.

ADDITIONAL TOPICS

None.

DISCUSSION

1. Meeting Update – Mashpee Cares Committee Meeting: Lucy Burton.

Lucy Burton remarked that she attended the first meeting of Mashpee Cares a couple of weeks ago. The Committee outlined their mission and discussed some of the issues in Town. Overwhelming, the Committee feels that there really is one issue in Town. The opiate crisis was chosen to be the top priority. The Committee deals with health, safety, and concerns of all residents. However, Ms. Burton feels these issues will take a back seat to the opiate problem.

2. Meeting Update – Waste Management Committee Meeting: Kalliope Egloff.

Kalliope Egloff commented that not much was accomplished at the Waste Management Committee Meeting. Ms. Egloff recommended discussing trash, since eighty-five percent of what is thrown away is not trash. A list of priorities was made such as removing waste ban items and making it equitable to the tax payer.

3. System Pumping and Routine Maintenance: Article and Opinion.

Glen Harrington stated that systems fail in 16 to 20 years. Pumping the system regularly will allow the septic system to last 25 to 30 years.

Kalliope Egloff commented that the article on system pumping and routine maintenance was interesting since some people believe opinions without knowing all the facts.

Burton Kaplan made a motion that the Board adjourn the Public Session, to enter into Executive Session, not to return to the Public Session.

Roll Call Vote: Burton Kaplan, yes; Lucy Burton, yes; Kalliope Egloff, yes.

NEXT MEETING

The next meeting of the Board of Health is scheduled for Thursday, May 7, 2015, at 7:00 PM. As there was no further business, Burton Kaplan made a motion to adjourn the Public Session Meeting of the Board of Health at 8:50 PM. Kalliope Egloff seconded the motion. The motion was unanimously approved.

Respectfully submitted,

Frances Boulos
Administrative Assistant
Mashpee Board of Health

attachments

